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April 28, 2014

Jeff S. Jordan
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, DC 20463

Re: MUR 6790
Attorney General Martha Coakley

Dear Mr. Jordan:

We write as counsel to Attorney General Martha Coakley ("Respondent") in response to the complaint filed by Ms. Kirsten Hughes (the "Complainant") on March 12, 2014 (the "Complaint").¹ The Complaint, which is riddled with legal errors and bereft of facts, should be dismissed and the Commission should close the file.

The Complaint first contends that "[a]ll transfers from the federal to a state campaign of the same individual are prohibited by federal law." Here, the Complainant simply misstates the law. Federal law prohibits transfers from a state campaign to a federal campaign; it does not bar transfers from a federal campaign to a state campaign. See 11 C.F.R. § 110.3(d). This contention is without any legal merit and ought to be disregarded.

The Complaint then alleges a personal use violation based on the fact that Attorney General Coakley's sister, Anne Gentile, received payments from the campaign for compliance services. This allegation is meritless for two reasons. First, the Complaint does not allege any specific facts to suggest that the services provided by Ms. Gentile were anything other than *bona fide* services provided at fair market value.² The Complainant dismisses Ms. Gentile's services as

¹ The Complaint was filed against two respondents – Martha Coakley and the Martha Coakley for Senate Committee. This response is solely on behalf of Martha Coakley. The Martha Coakley for Senate Committee has terminated and, as a result, is no longer subject to the Commission's jurisdiction.

² See 2 U.S.C. § 439a(b)(1); 11 C.F.R. § 113.1(g)(1)(i)(H) (allowing family members to be paid a salary by a campaign in exchange for *bona fide* services).

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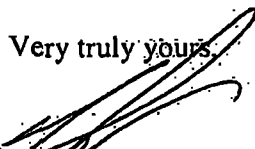
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"duplicative" but does not allege any facts in support of this erroneous contention. Second, the Complaint does not allege that the Respondent in this matter, Attorney General Coakley, converted the funds to personal use. In summary, the Complaint does not "allege specific facts, which, if proven true, would constitute a violation of the" personal use rule by the Respondent.³ The Commission has no grounds to investigate this baseless allegation.

The Complaint next argues that the Committee failed to itemize a credit card payment made on October 18, 2012 for \$3,763.10 in its 2012 Year-End Report. However, the Committee filed an amendment itemizing this payment, *before* the Complaint was filed. Because the Martha Coakley for Senate Committee (the "Committee") corrected the itemization on its own, before the complaint was filed, there is no further action for the Committee to take. Moreover, the only proper Respondent here is Attorney General Coakley and she does not bear legal responsibility for the Committee's compliance with the Commission's reporting regulations.

The Complaint is entirely without merit. For the reasons described herein, we respectfully request that the Commission dismiss this matter and take no further action.

Very truly yours,



Marc E. Elias
Jonathan S. Berkon
Aria C. Branch

³ Statement of Reasons of Commissioners David M. Mason, Bradley A. Smith, Karl J. Sandstrom, and Scott E. Thomas, Matter Under Review 4960 (Clinton for U.S. Exploratory Committee) (Dec. 21, 2000) (finding that Commission may find reason to believe only where complaint meets this threshold).